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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,190	10/15/2003	Gregory B. Hale	58085-010204	7573

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THE WALT DISNEY COMPANY
C/O GREENBERG TRAURIG LLP
2450 COLORADO AVENUE SUITE 400E
SANTA MONICA, CA 90404

EXAMINER	
HARTMAN JR, RONALD D	

ART UNIT	PAPER NUMBER
2121	

DATE MAILED: 07/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/687,190	HALE ET AL.	
	Examiner	Art Unit	
	Ronald D. Hartman Jr.	2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 April 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *6/10/2005*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-9 are presented for further examination.

Response to Arguments

2. Applicant's arguments with respect to claims 1-9 have been fully considered but are moot in view of the new ground(s) of rejection, as set forth below n this office action.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. First, the examiner would like to take this opportunity to describe certain interpretations of the claims as presented.

First, the applicant has claimed "evacuation", and in light of the applicant's disclosure and Merriam Webster's Collegiate Dictionary, 10th Edition, this term has been interpreted to be the functional equivalent of
"leaving" the first location area.

Second, the applicant has provided that the first area is a disaster area, and in light of the Merriam Webster's Collegiate Dictionary, 10th Edition, this term has significant connotations. Since "disaster area" is a Federally defined term, circa 1953, this term has been interpreted to mean, "an area officially declared to be the scene of an emergency created by a disaster..."

Third, since the applicant has not adequately defined the first location area, other than to say it's a disaster area, the first location area may be interpreted to be an entire geographical area, such as a state, county or local province. Therefore the "discrete

places" may be interpreted to be the same as places, or specific geographical locations, within the state, county or local province.

With these interpretations in mind, the following rejection(s) is/are made:

Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over articles which appeared as News Release items for King County, circa 2001, in view of Official Notice.

As per claims 1-9, a "News Release", dated 2/28/2001, discloses "a local proclamation of emergency" for King County, wherein damage, caused by an earthquake, rendered available runways un-useable by larger aircraft such as Boeing's 767 and 737 class aircraft. This being stated, and in light of the article dated 3/2/2001, "King Count International Airport increases takeoff limits, terminal opens", it seems more than evident that smaller type aircraft were, from the period 2/28/2001 through 3/2/2001, still able to use the runways since they were not as adversely affected by the problems associated with the runway and larger aircrafts. However, even more compelling, as of 3/2/2001, merely 2 days after the disaster announcement, larger planes were allowed to use the runways, and therefore this would lead one of ordinary skill in the art to conclude that, since the airport was open for flights 2 days after the disaster announcement, a period in which the title of a disaster area would still be applicable to King County, it appears that adequate evidence has been provided to show that a person would be able to *leave* King County, even though the County had been listed as a disaster area, using at the very least, from 2/28/2001-3/2/2001, smaller type planes, and during the period from 3/2/2001- whenever, larger type planes. The applicant has made no distinction as to under what time frame a person using the method claimed would actually leave an area designated as a disaster area, and therefore the articles serve to show that leaving an airport, from an area designated as a disaster area, is possible.

As per claims 1-9, Official Notice is taken with respect to steps (a) – (c) in that they appear to represent features that were well known at the time the invention was made. That is, all of the features associated with (a) – (c) appear to be directed towards using a cellular telephone for making reservations, for reserving a space, such as on a

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flight, so as to allow a person the ability to leave a location, such as an airport. In light of the Examiners comments with respect to the Priority of the instant invention (See previous office action for details), the use of cellular telephones for booking reservations with airlines was well known at the time the invention was made. Specifically, a booking procedure in which the telephone is used in conjunction with telephone menu options, the options being selectable by pressing keys on the telephone, wherein the menu allows for a person to select a flight based on available flight information, are all features that were well known at the time the invention was made. All of the other claimed features, including utilizing a computer, transmitting available return times and selecting a return time, as recited by claims 1-9, are believed to be adequately anticipated by the combination of the articles and the assertion of Official Notice.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the well-known telephone reservation system into the events, as disclosed by the articles, for the purpose of allowing a simple way for persons located within King County to reserve a flight to somewhere else (a second location area).

As per claim 4, Official Notice is also taken with respect to a FIFO (first in first out) type system for use with flight reservations and its incorporation would have been obvious for the purpose of providing a simple means by which persons could reserve flights, based on their availability, so that the first to request a reservation would be the first to receive one, and this would have been obvious at the time the invention was made.

As per claim 9, Official Notice is also taken with respect to reserving multiple seats on an airplane, in other words, for reservations to be made for a plurality of persons, as it is a feature that was well known at the time the invention was made, and its incorporation would have been obvious for the purpose of allowing more than one person to leave the area together, such as a family or the like, and this would have been obvious to one of ordinary skill in the art a the time the invention was made.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald D Hartman Jr. whose telephone number is 703-308-7001, and after October 12, 2004, (571) 272 - 3684. The examiner can normally be reached on Mon. - Fri., 11:30 am - 8:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 703-308-3179, and starting October 12, 2004, at (571) 272 - 3687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ronald D Hartman Jr.
Patent Examiner
Art Unit 2121

XRDH

Anthony Knight
Supervisory Patent Examiner
Group 3600